

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 4 OF 2004

Rajendra S. Choudhari & Anr..... Petitioners.

Versus

The Municipal Corporation of the
City of Ulhasnagar & Ors..... ... Respondents.

Mr. Subhash Dhadge with Mr. G. S. Godbole for the Petitioners.

Mr. [C. J. Sawant](#) with Mr. [R. M. Sawant](#), Addl.G.P.
for Respondent Nos. 1 & 2.

Mr. V.P. Malvankar, AGP for Respondent No.3.

Mr. D. N. Naphade with Mr. N. R. Jagtap for Respondent No.4.

CORAM : DALVEER BHANDARI, C. J. &

S. A. BOBDE, J.

DATED : FEBRUARY 2, 2005.

P.C. :

The petitioners Corporators have filed this public interest litigation

in which they have prayed that the State of Maharashtra be directed forthwith to exercise powers under Section 541 of the Bombay Provincial Municipal Corporation Act, 1949 and annul the impugned resolution No.45 passed in the meeting of the Standing Committee of respondent No.1, the Municipal Corporation of the City of Ulhasnagar, on 9th July, 2003.

2. In pursuance to the notice issued by this Court, reply affidavit has been filed by respondent No.1 Corporation. In the reply, it is submitted that four bids were received. The details of the four tenderers and the bids submitted by them are reproduced as under:

Sr.No.	Name	Bid
1.	M/s.Antony Waste Handling Cell Pvt. Ltd.	6,93,60,867
2.	M/s. Konark Inf. Pvt. Ltd.	8,00,00,000
3.	M/s. V. R. Panvelkar	7,80,00,000
4.	M/s. ArjunConst.	8,10,00,000

3. Admittedly, Antony Waste Handling Cell Pvt. Ltd. was the lowest bidder. The said offer was not acceptable to the Corporation. The Corporation found **Rs.6.93** crores per year to be on a higher side. According to the

guidelines dated 19th January, 1973 issued by the State, in case the offer of the lowest tenderer is found to be on higher side, then negotiations should be carried out first with the lowest tenderer for getting the said lowest offer further reduced. In the light of the said guidelines, respondent No.4 was called for negotiations as regards the offer made by it by respondent No.2, Municipal Commissioner. In the negotiations, respondent No.4 reduced its offer from Rs.6.93 crores per year to Rs.4.38 crores per year.

4. The only grievance, which the petitioners have made in this petition, is that when the respondents called the lowest tenderer for negotiations and in the negotiations the amount was reduced from Rs.6.93 crores to Rs.4.38 crores, they ought to have called other tenderers also who had submitted their bids. No fault can really be found in this approach of the Corporation in negotiating with the lowest tenderer for further reducing the original offer.

5. This petition being devoid of any merit is dismissed.

Sd/-

CHIEF JUSTICE

Sd/-

